

Docket No. 259908US0X PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yoshinori NAOE, et al.

SERIAL NO: 10/508,958

GAU:

FILED: October 5, 2004

EXAMINER:

FOR: DEPSIPEPTIDE FOR THERAPY OF KIDNEY CANCER

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☒ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Norman F. Oblon

Registration No. 24,618

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)

Surinder Sachar

Registration No. 34,423

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 259908US0X PCT		SERIAL NO. 10/508,958	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Yoshinori NAOE, et al.			
				FILING DATE October 5, 2004		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AF	02/085400	10/31/02	WO			NO
	AG	03/017763	03/06/03	WO			NO
	AH	7-64872	07/12/95	JP(equivalent of US 4977138)			NO
	AI						
	AJ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AK	KITAZONO MASAKI, et al., : "The histone deacetylase inhibitor FR901228 preferentially enhances adenovirus transgene expression in malignant cells", PROCEEDINGS OF THE AMERICAN ASSOCIATION FOR CANCER RESEARCH ANNUAL, vol. 43, page 799, 2002 (English abstract only)					
	AL	Masaki KITAZONO, et al., : "Enhanced adenovirus transgene expression in malignant cells treated with the histone deacetylase inhibitor FR901228", CANCER RESEARCH, vol. 61, pages 6328-6330 09/01/01					
	AM	Masaki KITAZONO, et al., : "Adenovirus HSV-TK construct with thyroid-specific promoter: enhancement of activity and specificity with histone deacetylase inhibitors and agents modulating the camp pathway", INTERNATIONAL JOURNAL OF CANCER, vol. 99, pages 453-459 2002					
	AN	Victoria M. RICHON, et al., : "Histone deacetylase inhibitors: a new class of potential therapeutic agents for cancer treatment", CLINICAL CANCER RESEARCH, vol. 8, no. 3, pages 662-664, 2002					
	AO	Hidenori NAKAJIMA, et al., : "FR901228, a potent antitumor antibiotic, is a novel histone deacetylase inhibitor", EXPERIMENTAL CELL RESEARCH, vol. 241, pages 126-133 1998					
	AP	Michael S. FINNIN, et al., : "Structures of a histone deacetylase homologue bound to the TSA and SAHA inhibitors", NATURE, vol.401, pages 188-193 09/09/99					
	AO	Khan W. LI, et al., : "Total synthesis of the antitumor depsipeptide FR-901228", J. AM. CHEM.SOC., vol. 118, no. 30, pages 7237-7238 1996					
	AP	Victor SANDOR, et al., : "Phase I trial of the histone deacetylase inhibitor, depsipeptide (FR901228, NSC 630176), in patients with refractory neoplasma", CLINICAL CANCER RESEARCH, vol. 8, pages 718-728 2002					
	AS						<input type="checkbox"/> Additional References sheet(s) attached
Examiner					Date Considered		

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

U.S. PCT Application Serial No.: 10/508,958
Docket No.: 259908US0XPCT

STATEMENT OF RELEVANCY

- 1) References AF-AG & AK-AN have been cited in the International Search Report. Copies of these references are being submitted herewith only when not automatically provided by the International Searching Authority.
- 2) References _____ have been cited in the corresponding _____ Search Report. A copy of these references is being submitted herewith.
- 3) References AH & AO-AQ are discussed in the specification. A copy of these references is being submitted here with.
- 4) References AR is additional prior art known to Applicant. A copy of the reference is being submitted herewith.

LIST OF RELATED CASES

<u>Docket Number</u>	<u>Serial or Patent Number</u>	<u>Filing or Issue Date</u>	<u>Patent Appl. Publication No.</u>	<u>Inventor/ Applicant</u>
259908US0XPCT*	10/508,958	10/05/04		NAOE, et al.
259545US0	10/948,288	09/24/04		NAOE, et al.
252643US0	10/834,080	04/29/04		NAOE, et al.
249030US0PCT	10/486,833	02/20/04		SASAKAWA, et al.
255118US0	10/875,382	6/25/04		ITO, et al.

*Present Application; listed for information
NFO/hah/get